



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 10, 2006
Comment Deadline: March 13, 2006
Corps Action ID #: 200501014

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Pender County Board of Education
925 Penderlea Highway
Burgaw, North Carolina 28425

AGENT (if applicable): Dial Cordy and Associates, Inc.
201 North Front Street, Suite 601
Wilmington, North Carolina 28401

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

Project site is 142 acres in size and is located in headwaters of an unnamed tributary of Old Topsail Creek, on the north side of Hwy 17, at the existing Topsail Middle and High Schools, approximately 0.5 miles north of Country Club Road, in Hampstead, Pender County, North Carolina. (34.3953 N, 77.6794 W) Old Topsail Creek becomes tidal at its origin and is therefore, a navigable water of the U.S.
(Attachment A)

Existing Site Conditions

The project site includes the existing school property (110 acres) and the newly acquired 32-acre site. Currently, Topsail High School, Topsail Middle School, and amenities like athletic fields and parking lots are located on the 110-acre tract. The 32-acre site is currently undeveloped. Timber was harvested from the site a few years ago.

Applicant's Stated Purpose

The applicant's purpose for this project is to construct a new high school for the Topsail area, as well as additional athletic fields and a parking lot to support the high school.

Project Description

In order to meet the growing demand for a public high school in the Topsail area for the next 4-5 years without additional expansion or the need to add temporary portable rooms, the applicant has applied for a Department of the Army permit to discharge fill material into 2.69 acres of non-riparian wetlands and 3.15 acres of non-riparian isolated wetlands for the construction of a new high school, parking lots, access road, athletic fields, and other amenities, as required by the State of North Carolina. (Attachment B) The Corps of Engineers does not have jurisdiction over isolated wetlands. The State of North Carolina does have jurisdiction over isolated wetlands and activities in isolated wetlands are subject to the State's regulations. To mitigate for the proposed wetland impacts, the applicant proposes to place a conservation easement on existing pine pocosin wetlands located in close proximity to the site, at a ratio of 5:1.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 2321 Crabtree Boulevard, Raleigh, North Carolina 27609-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27609-2260. Attention: Ms. Cyndi Karoly by March 6, 2006.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

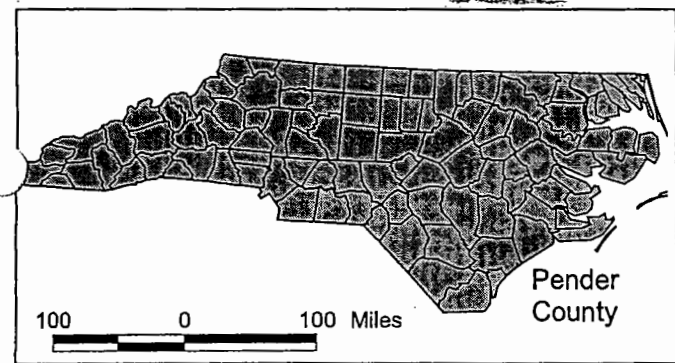
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, March 13, 2006. Comments should be submitted in writing to Lillette Granade, delivered to 69 Darlington Avenue, Wilmington, North Carolina 28402. Ms. Granade may be contacted at (910) 251-4829.



□ Approximate Site Boundary

Location Map

Pender County Topsail High School

Scale: 1 inch = 2 miles

Drawn By: MR

Date: November 2005

Approved By: SD

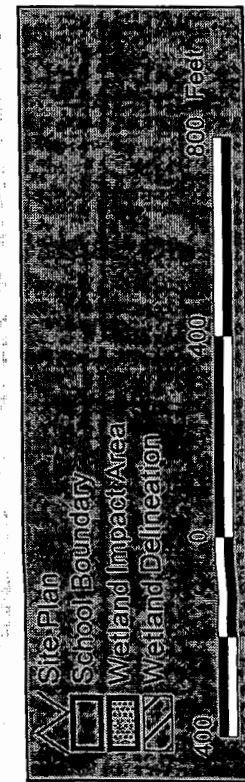
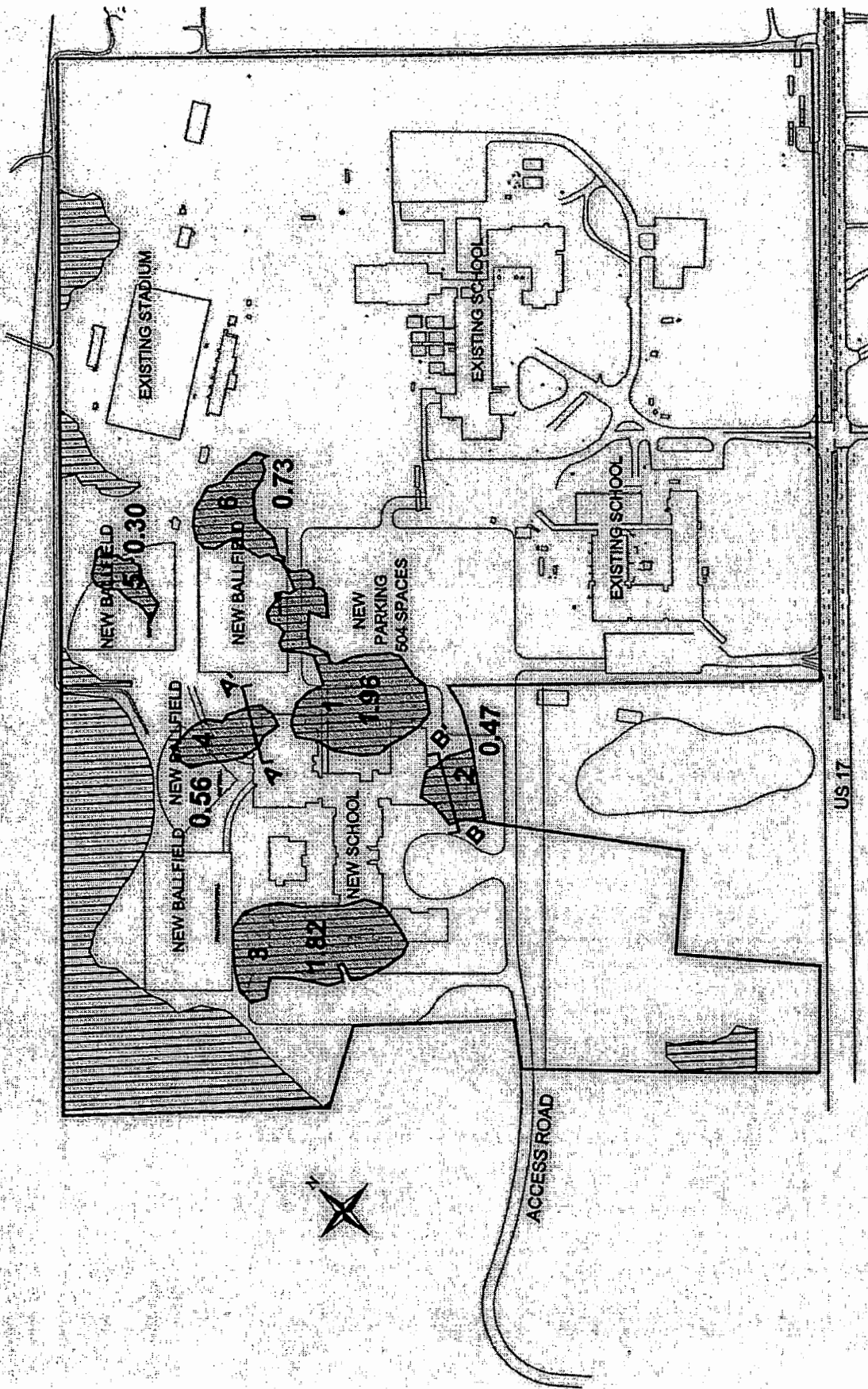


**DIAL CORDY
AND ASSOCIATES INC.**
Environmental Consultants

J05-849

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PROPOSED BYPASS CORRIDOR



Proposed Wetland Impacts

Pender County Topsail High School

Scale: 1 inch = 400 feet

Date: November 2005

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Approved By: SD

J05-849

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